



BASIS FOR THE AMENDMENT

Claim 3 has been cancelled.

Claim 1 has been amended.

Claims 6-20 have been added.

The amendment of Claim 1 is supported by original Claims 1 and 3. New Claim 6 is supported by page 6, lines 8-11. New Claims 7-9 are supported by page 6, line 12 to page 7, line 3. New Claims 10-12 are supported by page 7, lines 15-26. New Claims 13-20 are supported by page 8, lines 12-28.

No new matter is believed to have been added by these amendments.

REMARKS

Claims 1-2 and 3-20 are pending in the present application.

Applicants wish to thank Examiner Krishnan and Examiner Wilson for the helpful and courteous discussion with their undersigned Representative on December 4, 2002, and for the indication that the amendment of Claim 1 to include the ranges recited in Claim 3 is free of the art of record (Interview Summary, paper number 4).

The rejection of Claims 1, 2, 4, and 5 under 35 U.S.C. §103 over Hamada et al in combination with GB 1200582 and WPI/Derwent document XP-002087888 (hereinafter referred to as WPI/Derwent) is obviated by amendment.

The present invention provides, in part, a livestock feed composition, containing a feed for livestock and 0.05 to 5% by weight per feed weight of an additive mixture, wherein said additive mixture comprises at least two additives selected from the group consisting of nucleic acid, glutamine and glutamic acid, and wherein in said additive mixture, when present, the nucleic acid is added in an amount of 0.01 to 2.5% by weight per feed weight, when present, the glutamine is added in an amount of 0.05 to 2.5% by weight per feed weight,

and, when present, the glutamic acid is added in an amount of 0.05 to 2.5% by weight per feed weight.

Such a composition, and the advantageous properties flowing therefrom (see Examples on pages 11-23), is not disclosed or suggested by the combined disclosures of Hamada et al, GB 1200582, and WPI/Derwent. Specifically, the combined disclosures of Hamada et al, GB 1200582, and WPI/Derwent are silent with respect to the ranges of the nucleic acid, the glutamine, and the glutamic acid recited in Claim 1. In fact, the closest any of these references come to the claimed ranges in the composition is GB 1200582, which discloses a dog food that may contain a flavor enhancer (arguably containing a mixture of nucleosides and a glutamine salt) at 8 to 80 parts per million (i.e., 0.0008 to 0.008%; see Claims 1 and 3, as well as page 3, lines 1-15). In contrast, the food additive of the present invention is added at a concentration of 0.05 to 5% by weight, nearly an order of magnitude greater than the additive of GB 1200582. Moreover, none of these references suggest such a substantial increase in the content of an additive mixture, wherein the additive mixture contains at least two additives selected from a nucleic acid, glutamine and glutamic acid, or the beneficial results flowing from this range (see the Examples of the present invention, pages 11-23).

Citing In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974), MPEP §2143.03 states: "To establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." Applicants submit that the combined disclosures of Hamada et al, GB 1200582, and WPI/Derwent fail to meet this requirement, and as such the artisan would have no reasonable motivation to arrive at the present invention or any reasonable expectation of the advantageous obtained thereby.

Applicants acknowledge the Examiner's recognition of this deficiency in the combined disclosures of Hamada et al, GB 1200582, and WPI/Derwent (see Interview Summary, paper

number 4). Accordingly, Applicants respectfully request withdrawal of this ground of rejection.

The rejection of Claim 3 under 35 U.S.C. §112, second paragraph, is obviated by amendment. Applicants respectfully request withdrawal of this ground of rejection.

Accordingly, Applicants submit that the present application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

Vincent K. Shier, Ph.D.
Registration No. 50,552



22850

(703) 413-3000
Fax #: (703) 413-2220
NFO/VKS



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IN THE CLAIMS

Cancel Claim 3.

Amend the claims as follows:

1. (Amended) A composition for livestock feed, comprising
a feed for livestock and

0.05 to 5% by weight per feed weight of an additive mixture, wherein said
additive mixture comprises at least two additives selected from the group consisting of
nucleic acid, glutamine and glutamic acid, and

wherein in said additive mixture, when present, the nucleic acid is added in an
amount of 0.01 to 2.5% by weight per feed weight, when present, the glutamine is added in an
amount of 0.05 to 2.5% by weight per feed weight, and, when present, the glutamic acid is
added in an amount of 0.05 to 2.5% by weight per feed weight.

--6. -- 20. (New)--